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# Final Report of the Commission on the Study and Prevention of Child Abuse

Maine State Legislature

Office of Policy and Legal Analysis

Jane Orbeton

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**STATE OF MAINE  
119TH LEGISLATURE  
SECOND REGULAR SESSION**

**Final Report  
of the  
COMMISSION ON CHILD ABUSE**

**November 1, 2000**

**Staff:**

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**Members:**

**Senator Beverly C. Daggett, Senate Chair  
Representative Patricia T. Jacobs, House Chair  
Senator I. Joel Abromson  
Representative Judith B. Peavey  
Representative Laura Sanborn**

## Table of Contents

	Page
<b>Executive Summary .....</b>	<b>i</b>
<b>I. Introduction.....</b>	<b>1</b>
<b>II. Process .....</b>	<b>1</b>
<b>III. Background information.....</b>	<b>1</b>
<b>IV. What the data tell us.....</b>	<b>5</b>
<b>V. New directions .....</b>	<b>8</b>
<b>VI. Recommendations .....</b>	<b>9</b>
<b>VII. Suggested legislation.....</b>	<b>12</b>

## Appendices

- A. Authorizing Joint Order
- B. Commission Membership
- C. Bureau of Child and Family Services Case Flow Continuum
- D. Web site of Youth Leadership Advisory Team
- E. Maine Children’s Trust historical summary and background information
- F. Web site of Communities for Children
- G. “Maine Kids Count Data Book” Maine State Profile

## **Executive Summary**

The Commission on Child Abuse was formed as a result of the passage of House Paper 1930, a joint order passed as amended by Committee Amendment “A,” H-1135. The Commission is composed of 5 legislators, 2 members of the Senate and 3 members of the House of Representatives. The commission is charged with examining the current policies and public and private programs and resources related to physical and sexual abuse of children. See Appendix A for the authorizing joint order and Appendix B for a list of commission members.

Appointed during the summer, the members of the commission met in Augusta on September 5 and 18 and October 2 and 23, 2000. Senator Beverly Daggett and Representative Patricia Jacobs chaired the commission, which also included Senator Joel Abromson and Representatives Laura Sanborn and Judith Peavey. The commission members consulted with and received input from child abuse prevention experts, specialists and service providers, and representatives of the Attorney General’s Office, the Department of Education and the Department of Human Services. Members of the Department of Human Service’s Youth Leadership Advisory Team participated in the meeting on October 23rd. The commission heard from members of the public at each of its meetings.

The commission makes the following recommendations, some of which are the subject of proposed legislation from the commission and as such appear in section VII of the report.

### **1. Teacher and administrator certification**

The commission recommends that the State Board of Education amend the rules regarding teacher and administrator certification and pre-service training requirements under rule Chapter 115 to phase in over time a requirement of training in the prevention, recognition and appropriate response to suspected and reported child abuse and neglect.

### **2. Learning Results Standards**

The commission recommends that the Department of Education amend the rules regarding health and physical education standards in the learning results system under 20-A MRSA §6209 to incorporate in the performance indicators specific reference to personal body safety for students and the prevention, recognition and appropriate response to suspected and reported child abuse and neglect.

### **3. Maine Children’s Trust Incorporated**

The commission proposes legislation to re-write the duties of the Maine Children’s Trust Incorporated to clarify that some of what are referred to in current law as “powers” are actually “responsibilities” and to add to those responsibilities 1) an on-going responsibility to develop plans with the cooperation of the child abuse and neglect councils to provide a stable base of funding for the councils at levels at least as high as the levels in the biennium 1999-2001 and 2) on a one-time basis the responsibility to develop a proposal along with the Department of Human Services, the child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils and Prevent Child Abuse Maine to channel funding that is destined for the

child abuse and neglect councils through the Maine Children's Trust in order to maximize federal funding and to qualify for matching funds in as high amounts as possible.

#### **4. Clarification of statutory responsibilities**

The commission recommends that the county child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils, Prevent Child Abuse Maine and the Maine Children's Trust Incorporated work together to clarify responsibilities in child abuse prevention, intervention and treatment and recommend any statutory changes that may be needed. The commission recommends that the Maine Children's Trust Incorporated be the lead agency in this effort and provide a report on these issues to the 120th Legislature by March 1, 2001.

#### **5. Department of Human Services**

The commission proposes changes and additions in the statutory responsibilities of the Department of Human Services to clarify that those responsibilities include the prevention of child abuse and neglect, a responsibility that the department is already carrying out through its own employees and through contracted services with agencies and providers across the state.

#### **6. Support for school based health centers**

The commission voted to support school based health centers. The 20 school based health centers in Maine are important providers of comprehensive physical and mental health care and provide important primary and preventive health care, care for chronic conditions, dental care, injury prevention and reproductive health services. They provide early easy access to services, overcoming many barriers that prevent students from receiving health care. They provide safe and confidential places for students to talk, serving on the frontlines in the prevention of child abuse. The commission endorses the school based health centers that exist in the state and encourages the expansion of these important child abuse prevention services.

#### **7. Statistics and data**

The commission struggled with statistics regarding child abuse reporting and referrals for prosecution and convictions. Work needs to be done by the Department of Human Services and the law enforcement and judicial communities to standardize the collection of information so that data is available to assist the makers of public policy. Examples of information that would have been helpful to the commission are statewide statistics on referrals of suspected child abuse and neglect to law enforcement for prosecution, disposition data, incidence of child abuse and information on the effectiveness of programs and approaches to child abuse and neglect. The commission recommends that the Department of Human Services, Department of Public Safety and the Judicial Department review and consider options for improvement of data collection.

#### **8. Connecting child abuse and neglect with substance abuse and addiction and domestic violence**

The commission recommends that Maine Children's Trust Incorporated take the lead in working to build collaborative relationships to address the interconnected issues of child abuse and neglect, domestic violence and substance abuse and addiction. The Maine Children's Trust Incorporated should undertake this work with the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, Mainely

Parents, the county child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils, Prevent Child Abuse Maine, the Maine Children's Alliance, Communities for Children, substance abuse prevention and treatment agencies, domestic violence shelters and their advocates and interested agencies and persons. The goals of the new working relationships should include refocusing on prevention, recognizing the connections between substance abuse and addiction, domestic violence and child abuse and neglect, and providing services in a manner that addresses the needs of families. By March 1, 2001 the Maine Children's Trust Incorporated should report to the 120th Legislature on the results of this effort, including a plan for the provision of services and adding gender specific services.

#### **9. Improving access to information**

The commission requests that the Maine Children's Trust Incorporated bring together providers of child abuse prevention, intervention and treatment services, including the Department of Human Services, the county child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils, Prevent Child Abuse Maine, the Maine Children's Alliance, and Mainely Parents, and by March 1, 2001, report back to the 120th Legislature recommendations for improving the provision of information to the public. The commission is interested in Internet based information, telephone referral service, brochures and listings of community resources.

## I. INTRODUCTION

The Commission on Child Abuse was formed as a result of the passage of House Paper 1930, a joint order passed as amended by Committee Amendment “A,” H-1135. The Commission is composed of 5 legislators, 2 members of the Senate and 3 members of the House of Representatives. The commission is charged with examining the current policies and public and private programs and resources related to physical and sexual abuse of children. See Appendix A for the authorizing joint order and Appendix B for a list of commission members.

## II. PROCESS

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## III. BACKGROUND INFORMATION

Child abuse is a devastating family and social problem that leaves scars on children, adults and entire communities. Often co-occurring with substance abuse and domestic violence, child abuse takes a tremendous toll on children, in part because they are growing and developing so quickly. Children, particularly little children, need safe and stable homes and nurturing adults to help them grow and to set the stage for healthy and productive lives.<sup>1</sup> Prevention, intervention and treatment aim to ensure that children can grow up in safe and nurturing families, to improve the functioning of families and to lessen suffering and save lives.

The **Department of Human Services** is the agency in Maine with responsibility for promoting the safety and well-being of children, protecting those who are abused and neglected, rehabilitating and reunifying families when appropriate, providing foster and adoptive families for children in need and promoting life skills and abilities for productive adulthood.<sup>2</sup>

The Department of Human Services, through the Bureau of Child and Family Services, administers Title IV-B of the Social Security Act, Subpart 1 and 2, performing its obligations

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<sup>1</sup> The National Center on Addiction and Substance Abuse at Columbia University, “No Safe Haven: Children of Substance Abusing Parents,” January, 1999, page v.

<sup>2</sup> State of Maine, Department of Human Services, Bureau of Child and Family Services, Annual Progress Review, June, 2000, page 1

under the State Child and Family Services Plan.<sup>3</sup> Within the Department of Human Services the Bureau of Child and Family Services performs the child protective functions of the department, contracting for social services and collaborating with social service providers and agencies. Title 22, Maine Revised Statutes, chapter 1071 authorizes the Bureau of Child and Family Services to:

- ❖ Take appropriate action, consistent with available funding, to protect and assist abused and neglected children, children in circumstances which present a substantial risk of abuse and neglect, and their families;
- ❖ Provide that children will be taken from the custody of their parents only when failure to do so would jeopardize their health or welfare;
- ❖ Give family rehabilitation and reunification priority as a means for protecting the welfare of children, but prevent needless delay for permanent plans for children when rehabilitation or reunification is not possible; and
- ❖ Promote the early establishment of permanent plans for the care and custody of children who cannot be returned to their families.

In accomplishing the duties assigned by law, the Department of Human Services is charged with receiving reports of abuse and neglect of children some of which are mandated reports under Title 22, section 4011, promptly investigating or referring the matter to another agency for investigation as required by law, determining the degree of harm or threatened harm to each child and taking appropriate action. The Child Death and Serious Injury Review Panel reviews all reports of child deaths and serious injuries and has issued its second annual report, noting improvements brought about through extensive educational programs for professionals, a risk assessment protocol for high risk cases being used by the Department of Human Services, collaborative case investigation and a child maltreatment risk and impact evaluation procedure developed by the State Forensic Service.

Appendix C provides a case flow continuum chart for the Bureau of Child and Family Services. The case flow continuum follows a report of suspected child abuse or neglect from intake, through the department's procedures, outlining the options at different stages and for the varying needs of children and their families. The possible steps in the process include screening, safety assessment, case opening, case management, the provision of services to the child and family, court proceedings, mandated reviews, decisions regarding the child's residence, permanency planning, termination of parental rights, foster care, adoption and emancipation.

In its strategic plan the Department of Human Services states as goal C, "To promote the safety and well being of Maine's children and families." This goal is followed by a series of objectives, performance measures and budget information, all of which were reviewed by the commission. The objectives regarding child abuse include the following:

- ❖ To increase the number of children in Maine who are protected from abuse and neglect;

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<sup>3</sup> Ibid.



- ❖ To increase the number of children who have permanency and stability in their living situations;
- ❖ To increase the availability of appropriate placement resources;
- ❖ To increase the number of children in Maine who are physically and emotionally safe; and
- ❖ To decrease the length of time children are maintained in foster care before they are placed in safe and stable permanent placements.

The commission wishes to recognize the work of the **Youth Leadership Advisory Team** (YLAT), a statewide organization of youth ages 16 to 21 who are in the care of the Department of Human Services and who are working to advise and assist other youth. The YLAT maintains a website at [www.ylat.usm.maine.edu](http://www.ylat.usm.maine.edu) and works on training, information needs, advocacy and leadership training. Their handbook “Answers” has won recognition on a national level and they were open and generous in providing assistance to the commission. The commission thanks the youth who participated in the commission meeting on October 23rd and all those who are working with YLAT, including members of the staff at the Department of Human Services and the Edmund S. Muskie School of Public Service. A copy of the YLAT web site is included as Appendix D.

**Community efforts** regarding child abuse and neglect prevention, intervention and treatment are recognized in state law in 22 MRSA chapter 1057. This chapter establishes a community-based system of child abuse and neglect councils to assess and monitor the extent and causes of child abuse and neglect and to coordinate services, provide training and provide education and outreach regarding child abuse and neglect and its prevention.<sup>4</sup> The councils receive grants to further the purposes of the chapter and advise the Department of Human Services regarding a statewide strategy for child abuse and neglect prevention. The council provides an extensive array of services to help prevent and address child abuse and neglect. These services range from educational programs for teachers and professionals, to parenting education for new parents, to targeted programs for persons at risk of becoming child abusers or who have been abusers. Advocacy and education go hand in hand in the councils. The child abuse and neglect councils participate in a statewide organization, the Maine Association of Child Abuse and Neglect Councils.

The **Maine Children’s Trust Incorporated** is created in statute as a statewide non-profit corporation whose mission is to fund child abuse prevention programs, including advocacy, education and direct program services.<sup>5</sup> The trust provides a mechanism for receiving federal funds, voluntary contributions by individuals and groups, and money provided by taxpayers under an income tax check off mechanism. The trust is designated to receive federal Child Abuse Prevention Treatment Act funds, which amount to 58% of the trust’s budget. Contributions, foundation awards, donations and interest amount to 22% of the trust’s budget.

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<sup>4</sup> 22 MRSA §3872

<sup>5</sup> 22 MRSA chapter 1058

Twenty percent of the budget is provided by the check-off contributions of taxpayers. Over \$2,000,000 has been awarded to community based prevention efforts through the trust since it was established in 1985. See Appendix E for a summary of trust activities over the years since 1985 and background information on the trust.

The Maine Children's Trust is perfectly situated to accomplish the purposes of the federal Community-based Family Resource and Support Grant, which are:

- ❖ To support state efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that coordinate resources among a range of existing public and private organizations; and
- ❖ To foster understanding, appreciation and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect.

**Communities for Children** is a statewide initiative of Governor Angus S. King, the Department of Human Services, the Department of Education, the Department of Corrections, the Department of Public Safety and the Department of Mental Health, Mental Retardation and Substance Abuse Services. Communities for Children brings together state agencies working in the area of children's issues with local communities. The goals are to measurably improve the well being of children in every Maine community and to increase educational attainment and achievement levels of all Maine children.

Each Communities for Children project is led by its own local leadership group. The project assesses local community need, gathers local data, develops an action plan, participates with other communities in training, establishes its own programs and activities and the progress and challenges of its efforts. Prevention is stressed in efforts within the community to meet children's needs within their own families and communities. Over 70% of the population of the state is represented in the 60 communities that participate in Communities for Children as of October 2000. See Appendix F for a copy of the web site of Communities for Children, <http://janus.state.me.us/cfc>.

The Maine Children's Alliance is a membership organization whose mission is to be a strong and powerful voice to improve the lives of all Maine's children, youth and families. The alliance provides leadership to create and change public policy on behalf of children, collecting information and developing, promoting and advocating for a strategic plan to achieve its mission. The alliance publishes an annual report on the status of children living in Maine. This report, called "Maine Kids Count Data Book," contains state level data on physical and mental health, social and economic opportunity, education and learning. It provides information on health coverage for children, dental care and emergency room use by children. There is trend and census data and information on youth at risk. State and county data provide information on infant birth weight and mortality, child and teen deaths and suicides, school enrollment and drop out rates, rates of disabilities, demographics and populations receiving assistance through Medicaid, Temporary Assistance for Needy Families and subsidized school lunch programs. The profile for the state is included as Appendix G.

Child abuse occurs outside the home, sometimes even in the schools. In recent years Maine has devoted attention to the difficult issue of child abuse perpetrated by employees of schools and school districts. In an effort to prevent the employment of persons with a history of child abuse, state law now requires criminal history background checks for all new school personnel who are certified, authorized or approved by the **Department of Education** and phases in checks for current employees. During calendar year 2000 criminal history background checks of school personnel began under state law. Over 25,000 persons were fingerprinted for criminal history background checks. As of late October fewer than 6 persons were found to have criminal convictions for offenses that would disqualify them from certification, authorization or approval from the Department of Education. The Department of Education views this very low number of convictions as an indication that the law is performing well, that it is acting as a deterrent to convicted child abusers being employed in the public schools and school districts.<sup>6</sup>

#### **IV. WHAT THE DATA TELL US**

The Annual Report on Referrals, 1999, of the Bureau of Child and Family Services Child Protective Services provides a wealth of information on child abuse and neglect in the state.<sup>7</sup> During 1999, the Department of Human Services received 15,596 referrals regarding child abuse and neglect. Of these the department determined that 6909 did not rise to the level of child abuse and neglect, concluding that they were inappropriate for action by the Bureau of Child and Family Services. Examples of the type of family situation in these referrals include poor parenting practice, parent-child conflict, conflicts over custody or visitation and families in financial, physical or emotional crisis. The department has an extensive list of community resources and attempts to help these families outside of the child protective services system.

The sources of child abuse and neglect reports are varied. The largest number come from school personnel, followed by social services and law enforcement personnel, mental health and other health care professionals, neighbors, friends and relatives and families themselves. The families are often going through difficult situations, facing a number of stressful events. The more common stress factors for families include mental and physical health problems, alcohol and drug abuse, family violence and assaultive behavior, severe acting out behavior or emotional problems, school problems and divorce.

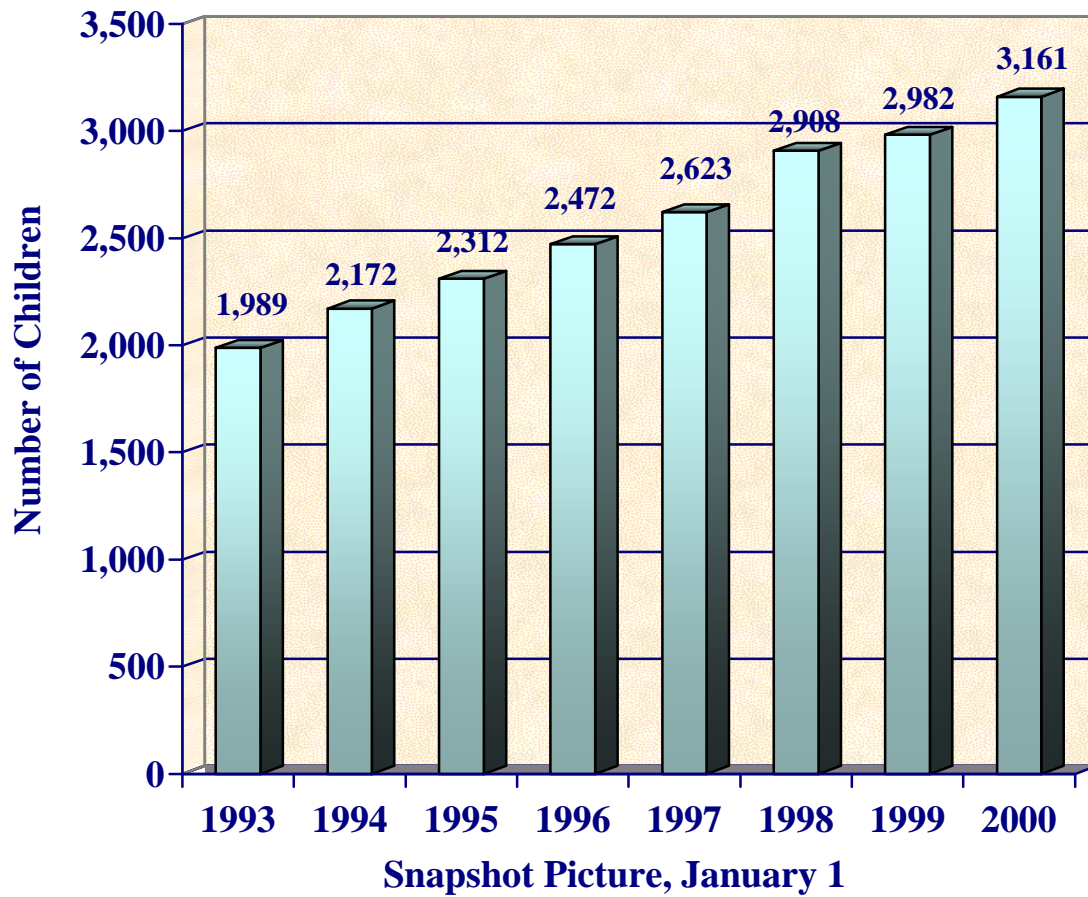
During 1999, 4450 reports of suspected child abuse and neglect, involving 9613 children, were assigned to caseworkers for complete assessments. Complete assessments were finished in 4084 cases, resulting in findings of substantiated child abuse and neglect in 2236 cases and unsubstantiated findings in 1748 cases. Of the substantiated cases, the largest number involved physical abuse, followed closely by neglect, then sexual abuse and lastly emotional maltreatment.

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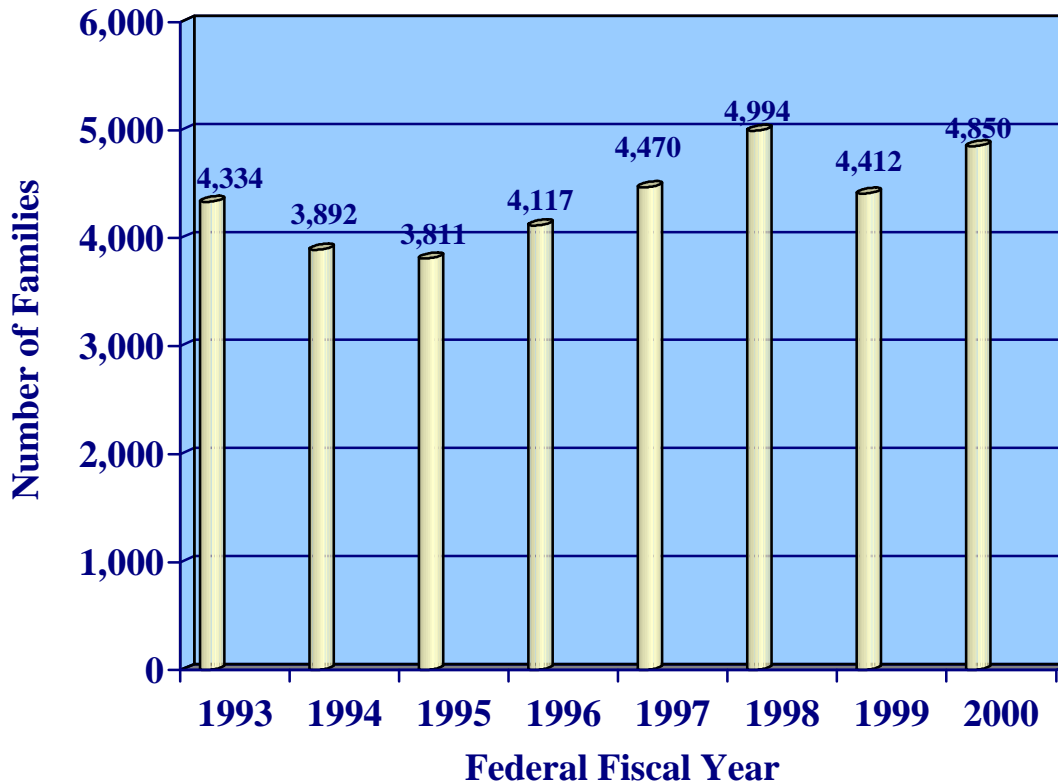
<sup>6</sup> Comment of Judy Lucarelli, Deputy Commissioner of Education, at a meeting of the Commission on Child Abuse, October 23, 2000.

<sup>7</sup> Maine Department of Human Services, Bureau of Child and Family Services Child Protective Services, Annual Report on Referrals, 1999

**Maine Department of Human Services, Bureau of Child  
and Family Services:  
Number of Children in DHS Care**



**Maine Department of Human Services, Bureau of Child and  
Family Services:  
Number of Child Protective Assessments Opened**



The commission wishes to note the progress that has been made in providing assessments for all cases for which the department has determined assessment to be appropriate. Historically a significant number of cases fell victim to problems with capacity and lack of resources. During 1998 the department determined to address the problem of unassigned cases and contracted with community-based agencies for assessment services. In that year 2973 cases determined to be appropriate for assessment were assigned to community-based agencies under contract with the department. During 1999, 1264 cases judged to be appropriate for assessment were not assigned and received no services due to insufficient staff. As of late October 2000, close to 3000 cases had been assigned for assessments to child protective services within the department and over 2700 cases had been assigned to community-based agencies for assessments. The total number of cases in 9 months that were unassigned but that had been determined to be appropriate for assessment had fallen to a new low of under 150 cases.

## V. NEW DIRECTIONS

During the 1990's there emerged a new direction in state approaches to child abuse and neglect. This new direction focuses heavily on preventative services for children and families. The National Conference of State Legislatures wrote about this new direction in its booklet "New Directions for Child Protective Services, Supporting Children, Families and Communities Through Legislative Reform."<sup>8</sup> In this booklet, the National Conference of State Legislatures provided information on a reform agenda in child protective services in which:

- ❖ Troubled families are reached before a report of suspected abuse or neglect is made to the state;
- ❖ Intervention focuses on the entire family;
- ❖ Emphasis is placed on achieving results, not just following procedures;
- ❖ Community-based systems of care provide support for children and adults;
- ❖ Assessment of family needs accompanies an investigation into whether abuse or neglect occurred;
- ❖ Effective prosecution is provided for serious cases; and
- ❖ Children are protected and families supported by natural helping networks of families, friends, neighborhoods and faith communities.

The National Center on Addiction and Substance Abuse (CASA) at Columbia University published a report in 1999 entitled "No Safe Haven: Children of Substance Abusing Parents."<sup>9</sup> In this report CASA outlines the need for addiction and substance abuse services to address the problem of child abuse and the need for child abuse prevention and treatment to address the problems posed by addiction and substance abuse. To illustrate the enormity of the connection between addiction and substance abuse and child abuse and neglect, CASA's analysis indicates that parental substance abuse and addiction is the chief culprit in 70 to 90% of all child welfare spending.<sup>10</sup> CASA has called for adoption of guiding principles that address the connection between addiction and substance abuse and child welfare services, including:

- ❖ Every child has a right to his/her parents getting a fair chance at recovery with timely and comprehensive treatment;
- ❖ Every child has a right to be free of addicted and abusing parents who, despite the availability of treatment options, are unable to conquer their addiction;

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<sup>8</sup> "New Directions for Child Protective Services, Supporting Children, Families and Communities Through Legislative Reform," by Stephen M. Christian, National Conference of State Legislatures, July, 1997, page 1

<sup>9</sup> National Center on Addiction and Substance Abuse at Columbia University, "No Safe Haven: Children of Substance Abusing Parents," January, 1999.

<sup>10</sup> Ibid, page ii.

- ❖ Every child has a right to have precious and urgent developmental needs take precedence over the timing of parental recovery; and
- ❖ The goal of child welfare is to form and support safe, nurturing families for children, whether that be the biological family or an adoptive family.

The CASA report suggests that these guiding principles form the basis for redesigning the child welfare system starting with prevention; reforming child welfare to address addiction and substance abuse issues; funding comprehensive treatment; providing substance abuse training for all child welfare, court, social and health service professionals; and evaluating outcomes, increasing research and improving data systems.

As the background information outlined above shows, Maine has already started to refocus its child welfare efforts, adopting new directions in child protection and child abuse prevention. Having done so, Maine is well on the way to healthier children and families and stronger local communities. More work remains to be done. In order to build a stronger child protective system further attention needs to be paid to primary, secondary and tertiary prevention services. A new focus is needed on the connection between child welfare and addiction and substance abuse services, making it appropriate for the Department of Mental Health, Mental Retardation and Substance Abuse Services to consider integrating mental health and substance abuse treatment at the provider and payment levels. The Commission on Child Abuse recommends that further actions, outlined in the recommendations section of this report, be taken to further protect children and to strengthen families and communities.

## **VI. RECOMMENDATIONS**

The commission makes the following recommendations, some of which are the subject of proposed legislation from the commission and as such appear in section VII.

### **1. Teacher and administrator certification**

The commission recommends that the State Board of Education amend the rules regarding teacher and administrator certification and pre-service training requirements under rule Chapter 115 to phase in over time a requirement of training in the prevention, recognition and appropriate response to suspected and reported child abuse and neglect.

### **2. Learning Results Standards**

The commission recommends that the Department of Education amend the rules regarding health and physical education standards in the learning results system under 20-A MRSA §6209 to incorporate in the performance indicators specific reference to personal body safety of students and the prevention, recognition and appropriate response to suspected and reported child abuse and neglect.

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“responsibilities” and to add to those responsibilities 1) an on-going responsibility to develop plans with the cooperation of the child abuse and neglect councils to provide a stable base of funding for the councils at levels at least as high as the levels in the biennium 1999-2001 and 2) on a one-time basis the duty to develop a proposal along with the Department of Human Services, the child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils and Prevent Child Abuse Maine to channel funding that is destined for the child abuse and neglect councils through the Maine Children’s Trust in order to maximize federal funding and to qualify for matching funds in as high amounts as possible.

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#### **7. Statistics and data**

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#### **8. Connecting child abuse and neglect with substance abuse and addiction and domestic violence**



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#### **9. Improving access to information**

The commission recommends that the Maine Children's Trust Incorporated bring together providers of child abuse prevention, intervention and treatment services, including the Department of Human Services, the county child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils, Prevent Child Abuse Maine, the Maine Children's Alliance, and Mainely Parents, and by March 1, 2001, report back to the 120th Legislature recommendations for improving the provision of information to the public. The commission is interested in Internet based information, telephone referral service, brochures and listings of community resources.

## VII. SUGGESTED LEGISLATION

### State of Maine Legislature 120th Legislature First Regular Session

Be it enacted by the people of the State of Maine:

Sec. 1. 22 MRSA §3884 is repealed and reenacted to read:

#### **§3884. Responsibilities of the Maine Children's Trust Fund Incorporated; powers of the Board of the Maine Children's Trust Incorporated**

**1. Responsibilities.** The responsibilities of the trust include the following:

A. Develop a biennial working plan for trust activities that sets overall statewide goals and objectives for child abuse prevention activities, establishes priorities for distribution of money in the fund and provides a working plan for the trust for the biennium. In developing the plan, the board may:

(1) Review and evaluate existing prevention programs, including high-quality child care options;

(2) Ensure that equal opportunity exists for the establishment of prevention programs and receipt of money from the fund among all geographic areas in the State; and

(3) Review and evaluate public and private funding sources;

B. Develop, initiate, propose or recommend ideas or innovations in rules, laws, policies and programs concerning child abuse and neglect to the Governor, the Legislature, state executive agencies, the business community and other entities. The board may also assist in the coordination and exchange of information and the maintenance of prevention programs;

C. Publicize criteria and review applications for grants and award those grants to recipients that best address the purposes of this chapter and submit to the Legislature the list of both successful and unsuccessful applicants who have allowed their names to be placed on the list along with reasons for and against the applications;

D. Establish a process for monitoring and review of grants awarded pursuant to this chapter;

E. As a primary prevention activity of the trust, develop and implement a campaign to provide statewide education and public information to enhance public awareness concerning child abuse and neglect;

F. Enter into contracts with public or private agencies and accept gifts or grants from federal, state or private sources to carry out this chapter;

G. Employ staff as the board determines necessary to implement its responsibilities;

H. Cooperate with and avail itself of the services of governmental agencies and the University of Maine System; and cooperate with, assist and otherwise encourage local or regional, private or public organizations in the various communities of the State in the prevention of abuse and neglect among children in the community and the State; and

I. Develop plans with the cooperation of the child abuse and neglect councils established under chapter 1057 to provide a stable base for funding the councils in amounts no lower than the amounts provided in the biennial budget of fiscal years 1999-2000 and 2000-2001.

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**2. Powers.** The powers of the board include the following:

A. Apply for and receive funds from any private source or governmental entity, whether by way of grant, donation, loan or other means;

B. Create partnerships between the public and private sectors to facilitate the purposes of this chapter and to:

(1) Bridge the gap in knowledge and communication between the public and private sectors regarding prevention programs and prevention policies;

(2) Build the leadership capacity of public and private sector individuals and institutions regarding prevention programs, prevention policies and the importance of high-quality child care in all children's early years; and

(3) Encourage active financial and in-kind participation from the public and private sectors in carrying out the purposes of this chapter;

C. Adopt bylaws, have the general powers accorded corporations under Title 13, chapter 81 and perform other acts as necessary or convenient to carry out the lawful purposes of the trust;

D. Sue or be sued in the board's own name;

E. Purchase, receive, hold, lease or acquire by foreclosure, operate, manage, license and sell, convey, transfer, grant or lease real and personal property, together with those rights and privileges that may be incidental and appurtenant to the property and the use of the

property, including, but not limited to, real or personal property acquired by the board from time to time in the satisfaction of debts or enforcement of obligations;

F. Make expenditures and incur obligations reasonably required in the exercise of sound business principles to secure possession of, preserve, maintain, insure and improve real and personal property interests acquired by the board;

G. Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage or pledge the stock, shares, bonds, debentures, notes or other securities and evidences of interest in or indebtedness of a person, firm, corporation, joint stock company, partnership, association or trust, and, while the owner or holder of stock, shares, bonds, debentures, notes or other securities, exercise the rights, powers and privileges of ownership, including the right to vote on the stock, shares, bonds, debentures, notes or other securities;

H. Mortgage, pledge or otherwise encumber any property right or thing of value acquired pursuant to the powers contained in paragraph E, F or G as security for the payment of any part of the purchase price of the property right or thing of value; and

I. Expend principal from the endowment fund as established in section 3885, subsection 5, only under emergency circumstances by 2/3 vote of the board.

**Sec. 2. 22 MRSA §4004, subsection 1** is amended to read:

#### **§4004. Authorizations**

**1. General.** The department may take appropriate action, consistent with available funding, that will help prevent child abuse and neglect and achieve the goals of section 4003 and subchapter XI-A, including:

A. Developing and providing services which:

- (1) Support and reinforce parental care of children;
- (2) Supplement that care; and
- (3) When necessary, substitute for parental care of children;

B. Encouraging the voluntary use of these and other services by families and children who may need them;

C. Cooperating and coordinating with other agencies, facilities or persons providing related services to families and children;

D. Establishing and maintaining a Child Protective Services Contingency Fund to provide temporary assistance to families to help them provide proper care for their children; and

E. Establishing a child death and serious injury review panel for reviewing deaths and serious injuries to children. The panel consists of the following members: the Chief Medical Examiner, a pediatrician, a public health nurse, forensic and community mental health clinicians, law enforcement officers, departmental child welfare staff, district attorneys and criminal or civil assistant attorneys general.

The purpose of the panel is to recommend to state and local agencies methods of improving the child protection system, including modifications of statutes, rules, policies and procedures.

**Sec. 3. Cooperative work.** The Maine Children's Trust Incorporated, established under Title 22, chapter 1058, shall work cooperatively with the Department of Human Services, the child abuse and neglect councils and the Maine Association of Child Abuse and Neglect Councils, established under Title 22, chapter 1057, and statewide organizations working to prevent child abuse and neglect to develop a proposal to channel funding for the child abuse and neglect councils through the Maine Children's Trust Incorporated in order to maximize federal funding and to qualify for matching funds in as high amounts as possible. By January 15, 2002, the Maine Children's Trust Incorporated shall report the proposal to the Second Regular Session of the 120th Legislature.

## SUMMARY

This bill reorganizes the powers and duties of the board of directors of the Maine Children's Trust Fund Incorporated, clarifying what are duties and what are powers. In addition it would give to the trust 3 new duties: 1) a permanent duty to develop plans with the child abuse and neglect councils to provide a stable base of funding for the councils at levels at least as high as the levels in the fiscal years 1999-2000 and 2000-2001 biennial budget, and 2) a one-time duty to develop a proposal along with the child abuse and neglect councils and the Maine Association of Child Abuse and Neglect Councils and Prevent Child Abuse Maine to channel funding that is destined to the child abuse and neglect councils through the trust in order to maximize federal funding and qualify for matching funds in as high amounts as possible. The bill requires a report to the Second Regular Session of the 120th Legislature by January 15, 2002, on the proposal to maximize federal funding and matching funds.

This bill clarifies the authority of the Department of Human Services, in the Child and Family Services and Child Protection Act, to take appropriate action, consistent with existing funding, to prevent child abuse and neglect.

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## **APPENDIX A**

### **Authorizing Joint Order**

## **APPENDIX B**

### **Commission Membership**

**APPENDIX C**  
**Bureau of Child and Family Services Case Flow Continuum**



## **APPENDIX D**

**Web site of Youth Leadership Advisory Team**

## **APPENDIX E**

### **Maine Children's Trust historical summary and background information**

## **APPENDIX F**

### **Web site of Communities for Children**

## **APPENDIX G**

### **“Maine Kids Count Data Book” Maine State Profile**